



#3

PATENT
Docket No. 509032001500

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: AEROSOL GENERATING METHOD AND DEVICE, the specification of which is attached hereto unless the following box is checked:

☒ was filed on October 26, 2001 as United States Application Serial No. 10/057,197.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/296,225	06/05/2001

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9/5/02
Date

Martin J. Wensley
Name: Martin J. WENSLEY
Residence: 88 King Street, #618, San Francisco, California 94107
Citizenship: United Kingdom
Post Office Address: 88 King Street, #618, San Francisco, California 94107

9/4/02
Date

Daniel Mufson
Name: Daniel MUFSON
Residence: 1877 Atlas Peak Road, Napa, California 94558
Citizenship: United States of America
Post Office Address: 1877 Atlas Peak Road, Napa, California 94558

9/4/02
Date

Craig C. Hodges
Name: Craig C. HODGES
Residence: 80 Terrace Road, Walnut Creek, California 94596
Citizenship: United States of America
Post Office Address: 80 Terrace Road, Walnut Creek, California 94596

9/5/02
Date

Peter M. Lloyd
Name: Peter M. LLOYD
Residence: 30 Capisa Court, Walnut Creek, California 94596
Citizenship: United States of America
Post Office Address: 30 Capisa Court, Walnut Creek, California 94596

8/28/02
Date

Daniel D. Rogers
Name: Daniel D. ROGERS
Residence: 6621 Gunn Drive, Oakland, California 94611
Citizenship: United States of America
Post Office Address: 6621 Gunn Drive, Oakland, California 94611



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Martin J. WENSLEY et al.

Serial No.: 10/057,197

Filing Date: October 26, 2001

For: AEROSOL GENERATING METHOD
AND DEVICE

Examiner: To Be Assigned

Group Art Unit: 3764

**REVOCATION OF PRIOR POWER OF ATTORNEY AND
POWER OF ATTORNEY AND PROSECUTION BY ASSIGNEE
UNDER 37 C.F.R. § 3.71**

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

ALEXZA Molecular Delivery Corporation, the assignee of the entire right, title and interest in this patent application, hereby revoke all Powers of Attorney previously granted relating to this application and appoint as its attorneys or agents, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith:

Lisa A. Amii (Reg No. 48,199)
Mehran Arjomand (Reg No. 48,231)
Erwin J. Basinski (Reg No. 34,773)
Richard R. Batt (Reg No. 43,485)
Jonathan Bockman (Reg No. 45,640)
Barry E. Bretschneider (Reg No. 28,055)
Tyler S. Brown (Reg No. 36,465)
Mark R. Carter (Reg No. 39,131)
Peng Chen (Reg No. 43,543)
Thomas Chuang (Reg No. 44,616)
Cara M. Coburn (Reg No. 46,631)
Raj S. Davé (Reg No. 42,465)
David Devernoe (Reg No. 50,128)
Stephen C. Durant (Reg No. 31,506)
Christopher B. Eide (Reg No. 48,375)

Randolph Ted Apple (Reg No. 36,429)
Laurie A. Axford (Reg No. 35,053)
Shantanu Basu (Reg No. 43,318)
Vincent J. Belusko (Reg No. 30,820)
Kimberly A. Bolin (Reg No. 44,546)
Irina E. Britva (Reg No. 50,498)
Nicholas Buffinger (Reg No. 39,124)
Robert K. Cerpa (Reg No. 39,933)
Alex Chartove (Reg No. 31,942)
Thomas E. Ciotti (Reg No. 21,013)
Matthew M. D'Amore (Reg No. 42,457)
Peter Davis (Reg No. 36,119)
Karen B. Dow (Reg No. 29,684)
Richard R. Eckman (Reg No. 42,504)
Elisabeth M. Evertsz (Reg No. 50,304)

Carolyn A. Favorito (Reg No. 39,183)
Hector Gallegos (Reg No. 40,614)
Debra J. Glaister (Reg No. 33,888)
Bruce D. Grant (Reg No. 47,608)
Douglas G. Hodder (Reg No. 41,840)
Charles D. Holland (Reg No. 35,196)
Jill A. Jacobson (Reg No. 40,030)
Madeline I. Johnston (Reg No. 36,174)
Ararat Kapouytian (Reg No. 40,044)
Cameron A. King (Reg No. 41,897)
Kawai Lau (Reg No. 44,461)
Rimas T. Lukas (Reg No. 46,451)
Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)
Kate H. Murashige (Reg No. 29,959)
Catherine M. Polizzi (Reg No. 40,130)
Robert Saltzberg (Reg No. 36,910)
Debra A. Shetka
David Smith (Reg No. 39,839)
Stanley H. Thompson (Reg No. 45,160)
Brenda J. Wallach (Reg No. 45,193)
E. Thomas Wheelock (Reg No. 28,825)
Eric Witt (Reg No. 44,408)
David T. Yang (Reg No. 44,415)
George C. Yu (Reg No. 44,418)
Jie Zhou (Reg No. 52,395)

David L. Fehrman (Reg No. 28,600)
Deborah S. Gladstein (Reg No. 43,636)
Kenneth R. Glick (Reg No. 28,612)
Johney U. Han (Reg No. 45,565)
Alan S. Hodes (Reg No. 38,185)
Arthur S. Hsieh (Reg No. 48,247)
Wayne Jaeschke, Jr. (Reg No. 38,503)
Parisa Jorjani (Reg No. 46,813)
Richard C. Kim (Reg No. 40,046)
Lawrence B. Kong (Reg No. 49,043)
Glenn Kubota (Reg No. 44,197)
Hugh H. Matsubayashi (Reg No. 43,779)
Robert S. McArthur (Reg No. 45,674)
Philip A. Morin (Reg No. 45,926)
Martin M. Noonan (Reg No. 44,264)
Phillip Reilly (Reg No. 41,415)
Robert E. Scheid (Reg. No. 42,126)
Terri Shieh-Newton (Reg No. 47,081)
Kevin R. Spivak (Reg No. 43,148)
Thomas L. Treffert (Reg No. P48,279)
Michael R. Ward (Reg No. 38,651)
Todd W. Wight (Reg No. 45,218)
Frank Wu (Reg No. 41,386)
Peter J. Yim (Reg No. 44,417)
Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018,
telephone: (650) 813-5600, said appointment to be to the exclusion of the inventors and their
attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said
attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster LLP as
partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and

all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all communications relative to this application to:

Richard R. Eckman
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018

Please direct all telephone communications to Richard R. Eckman at (650) 813-5654.

ALEXZA Molecular Delivery Corporation
a Delaware corporation

Dated: September 6, 2002

Stephen A. Schneider

Name: Stephen A. Schneider

Title: President & COO

Address: 1001 East Meadow Circle
Palo Alto, California 94303



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Martin J. WENSLEY et al.

Application No./Patent No.: 10/057,197

Filed/Issue Date: October 26, 2001

Entitled: AEROSOL GENERATING METHOD AND DEVICE

ALEXZA Molecular Delivery Corporation, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

September 6, 2002
Date

Stephen A. Schneider
Typed or printed name
[Signature]
Signature
President & COO
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ASSIGNMENT
JOINT

THIS ASSIGNMENT, by Martin J. WENSLEY, Daniel MUFSON, Craig C. HODGES, Peter M. LLOYD, Daniel D. ROGERS, (hereinafter referred to as the assignors), residing at 88 King Street, #618, San Francisco, California 94107, 1877 Atlas Peak Road, Napa, California 94558, 80 Terrace Road, Walnut Creek, California 94596, 30 Capisa Court, Walnut Creek, California 94596, and 6621 Gunn Drive, Oakland, California 94611, respectively, witnesseseth:

WHEREAS, said assignors have invented certain new and useful improvements in AEROSOL GENERATING METHOD AND DEVICE, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/057,197 and filed on October 26, 2001; and

WHEREAS, ALEXZA Molecular Delivery Corporation, a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 1001 East Meadow Circle, Palo Alto, California 94303 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Date	<u>9/4/02</u>	<u>Martin J. Wensley</u> Martin J. WENSLEY
Date	<u>9/4/02</u>	<u>Daniel Mufson</u> Daniel MUFSON
Date	<u>9/4/02</u>	<u>Craig C. Hodges</u> Craig C. HODGES
Date	<u>9/5/02</u>	<u>Peter M. Lloyd</u> Peter M. LLOYD
Date	<u>8/28/02</u>	<u>Daniel D. Rogers</u> Daniel D. ROGERS